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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/502,386

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Stefan Karlsson

P15271-US1

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27045

7590

06/26/2008

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EXAMINER

ZAIDI, SYED

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

06/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/502,386	Applicant(s) KARLSSON, STEFAN	
	Examiner SYED ZAIDI	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21, 24-27, 31-33, 35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21, 24-27, 31-33, 35 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 03/12/ 2008 considered but they are moot, with respect to the rejection of claims 21-37. In view of the grounds of rejection been presented in this office action as such may response to applicant's argument is moot.

Claims 1-20, 22-23, 28-30, 34, 37 cancelled.

Claim 21 amended

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 21, 24-27, 31-33, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sorber et al.**, (U.S. Publication Number 20030157925 A1) in further view of **Fleischer, 111 et al.**, (U.S. Publication Number 20020136376 A1).

Consider claim 21, Sorber et al., discloses and shows a method of a method a method for determining rating data for

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services in a communications network (**See where sorber et al, discloses communication method and facilitating prepaid communication services, paragraph 0022 lines 1-18, figure # 1**) and element 1, comprising the steps of accessing data associated with a service or a subscriber (**paragraph 0023 lines 1-14, figure # 2 and element 201**); sending a rating request, including said accessed data, to a distributed rating means for distributed rating based on distributed rating data related to said service or subscriber (**paragraph 0010 lines 1-18, figure # 1 and element 113**), ; receiving resulting rating data from said distributed rating means (**paragraph 0031 lines 1-10**); and, determining a rating value for charging said subscriber based on said received rating data (**paragraph 0021 lines 1-18**). However **Sorber et al.**, fails to show a content provider, or value added service provider; wherein said rating request is sent from central rating means operated by a network operator.

In the same field of endeavor, **Fleischer, 111 et al.**, show and disclose show a content provider, or value added service provider (**paragraph 0123 lines 1-12**) rating request is sent from central rating

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(paragraph 0101 lines 1-8) means operated by a network operator **(paragraph 0131 lines 1-8)**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the a subscriber as taught by **Fleischer, 111 et al.**, in the method of **Sorber et al.**, to allow service providers scaleable differentiated services for a hybrid virtual network as disclosed by **Fleischer, 111 et al.**, **(paragraph 0061 lines 10-18)**.

Consider claim 24, as applied to claim 21 above, **Sorber et al.**, and as modified by **Fleischer, 111 et al.**, clearly shows and discloses the method, wherein characterized by, before the step of sending said rating request **(paragraph 0010 lines 10-18)**, the further step of determining pre-rating data **(paragraph 0018 lines 1-18)**.

Consider claim 25, as applied to claim 21 above, **Sorber et al.**, and as modified by **Fleischer, 111 et al.**, clearly shows and discloses the method, wherein characterized by, before the step of charging said account, the further step of determining final-rating data **(paragraph 0018 lines 1-18)**.

Consider claim 26, as applied to claim 21 above, **Sorber et al.**, and as modified by **Fleischer, 111 et al.**, clearly shows and

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discloses the method, wherein characterized in that said rating value is determined based on said pre-rating data (**paragraph 0031 lines 1-10**) distributed rating data from said distributed rating means, and final-rating data (**paragraph 0042 lines 1-18**).

Consider claim 27, Sorber et al., discloses and shows a method of a method for determining rating data for services in a communications network, characterized by the steps of: receiving data associated with a service or subscriber from central rating means accessing and determining rating data for said service (**paragraph 0022 lines 1-10**) or subscriber based on distributed rating data related (**paragraph 0010 lines 1-10**) to said service or subscriber and on said received data for transmission to said central rating means. However **Sorber et al.**, fails to show a distributed subscriber.

In the same field of endeavor, **Fleischer, et al.**, show and disclose a distributed scribe (**paragraph 0098 lines 1-10**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the a subscriber as taught by **Fleischer, et al.**, in the method of **Sorber et al.**, to allow data access in the event of route failures.

Consider claim 31, Sorber et al., discloses and shows a distributed rating system for determining rating data for pre-paid services in a communications network characterized by central rating means including a computer apparatus adapted to access service data associated with a service or subscriber **(paragraph 0022 lines 1-10)** send a rating request, including said accessed data **(paragraph 0018 lines 10-18)** to a distributed rating means for distributed rating based on distributed rating data related to said service or subscriber **(paragraph 0022 lines 1-10)** receive resulting rating data from said distributed rating means **(paragraph 0042 lines 1-18)** and determine a rating value for charging a pre-paid account of said subscriber based on said received rating data. However **Sorber et al.**, fails to show a content provider, or value added service provider; wherein said rating request is sent from central rating means operated by a network operator.

In the same field of endeavor, **Fleischer, et al.**, show and disclose show a content provider, or value added service provider **(paragraph 0123 lines 1-12)** rating request is sent from central rating

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(paragraph 0101 lines 1-8) means operated by a network operator
(paragraph 0131 lines 1-8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the a subscriber as taught by **Fleischer, et al.**, in the method of **Sorber et al.**, to allow service providers scaleable differentiated services for a hybrid virtual network as disclosed by **Fleischer, 111 et al.**,
(paragraph 0061 lines 10-18).

Consider claim 32, as applied to claim 31 above, **Sorber et al.**, clearly shows and disclose a system wherein a distributed rating system is a mobile communication system. However **Sorber et al.**, fails to show system is a mobile communication system.

In the same field of endeavor, **Fleischer, 111 et al.**, show and disclose a said system is a mobile communication system rating means is operated by a network operator **(column 9 lines 55-59).**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the a said system is a mobile communication system as taught by
,Fleischer, 111 et al., in the method of **Sorber et al.**, to allow

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service providers scalable differentiated services as disclosed by

Fleischer, 111 et al., (paragraph 0131 lines 1-8).

Claims 33, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sorber et al.**, (U.S. Publication Number 20030157925 A1) in view of **Fleischer, 111 et al.**, (U.S. Publication Number 20020136376 A1) in further view of **Stille et al.**, (U.S. Patent Number **6,724,748**).

Consider claim 33, as applied to claim 31 above, **Sorber et al.**, and as modified by **Fleischer, 111 et al.**, clearly shows and disclose a system wherein a distributed rating system. However **Sorber et al.**, fails to show system is an IN/CAMEL system mobile communication system.

In the same field of endeavor, **Stille et al.**, show and disclose show system is an IN/CAMEL system mobile communication system **(column 4 lines 65-67)**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate show system is an IN/CAMEL system mobile communication system.

as taught by **Stille et al.**, in the method of **Sorber et al.**, to allow service providers intelligent network as disclosed by **Stille et al.**, (**column 1 lines 15-17**).

Consider claim 35, as applied to claim 31 above, **Sorber et al.**, and as modified by **Fleischer, 111 et al.**, clearly show and discloses a system. However **Sorber et al.**, fails to show service is an electronic commerce/payment service.

In the same field of endeavor, **Stille et al.**, show and disclose service is an electronic commerce/payment service (**column 2 lines 38-40**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate show service is an electronic commerce/payment service as taught by **Stille et al.**, in the method of **Sorber et al.**, to allow service providers intelligent network as disclosed by **Stille et al.**, (**column 1 lines 15-17**).

Consider claim 36, as applied to claim 31 above, **Sorber et al.**, and as modified by **Fleischer, 111 et al.**, clearly show and discloses a system. However **Sorber et al.**, fails to show rating data is cost per time unit or data volume, per event, per content, a set of

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tariff data including cost, duration/volume, time/volume interval, or a specific scaling factor.

In the same field of endeavor, **Stille et al.**, show and disclose rating data is cost per time unit or data volume, per event, per content, a set of tariff data including cost, duration/volume, time/volume interval, or a specific scaling factor (**column 2 lines 38-40**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate rating data is cost per time unit or data volume, per event, per content, a set of tariff data including cost, duration/volume, time/volume interval, or a specific scaling factor as taught by **Stille et al.**, in the method of **Sorber et al.**, to allow service providers intelligent network as disclosed by **Stille et al.**, (**column 1 lines 15-17**).

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to:**

Commissioner for Patents

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Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Syed Zaidi whose telephone number is (571) 270-1779. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are

Unsuccessful, the Examiner's supervisor, **Seema S. Rao** can be reached on (571) 270-3174. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Syed Zaidi

S.Z/sz

June 11th 2008

/Seema S. Rao/

Supervisory Patent Examiner, Art Unit 2616